

**To:** Timothy Shannon[tshannon@blm.gov]; Brian Steed[bsteed@blm.gov]  
**From:** Brown, Laura  
**Sent:** 2017-12-26T13:07:47-05:00  
**Importance:** Normal  
**Subject:** Fwd: Monument Proclamations  
**Received:** 2017-12-26T13:08:45-05:00  
[Proclamation 9681 -- BENM.pdf](#)  
[Proclamation 9682 -- GSENM.pdf](#)

the proclamations

----- Forwarded message -----

**From:** **Brown, Laura** <[laura.brown@sol.doi.gov](mailto:laura.brown@sol.doi.gov)>  
**Date:** Fri, Dec 22, 2017 at 4:32 PM  
**Subject:** Fwd: Monument Proclamations  
**To:** "Moody, Aaron" <[aaron.moody@sol.doi.gov](mailto:aaron.moody@sol.doi.gov)>

And if you need the two of them in one place.

----- Forwarded message -----

**From:** **Sklar, Ryan** <[ryan.sklar@sol.doi.gov](mailto:ryan.sklar@sol.doi.gov)>  
**Date:** Fri, Dec 22, 2017 at 4:05 PM  
**Subject:** Monument Proclamations  
**To:** "Brown, Laura" <[laura.brown@sol.doi.gov](mailto:laura.brown@sol.doi.gov)>

Laura,

Here are the two proclamations, as they appear in the Federal Register. I'll upload them to Google Drive as well.

Ryan

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**Ryan Sklar**  
Attorney-Advisor  
Office of the Solicitor  
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202-208-3039

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## Presidential Documents

### Proclamation 9682 of December 4, 2017

### Modifying the Grand Staircase-Escalante National Monument

**By the President of the United States of America**

**A Proclamation**

In Proclamation 6920 of September 18, 1996, and exercising his authority under the Act of June 8, 1906 (34 Stat. 225) (the "Antiquities Act"), President William J. Clinton established the Grand Staircase-Escalante National Monument in the State of Utah, reserving approximately 1.7 million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed by the Department of the Interior's Bureau of Land Management (BLM). This proclamation makes certain modifications to the monument.

Proclamation 6920 identifies a long list of objects of historic or scientific interest within the boundaries of the monument. In the 20 years since the designation, the BLM and academic researchers have studied the monument to better understand the geology, paleontology, archeology, history, and biology of the area.

The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.

Proclamation 6920 identifies the monument area as rich with paleontological sites and fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, as well as terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages, and one of the most continuous records of Late Cretaceous terrestrial life in the world. Nearly 2 decades of intense study of the monument has provided a better understanding of the areas with the highest concentrations of fossil resources and the best opportunities to discover previously unknown species. While formations like the Wahweap and Kaiparowits occur only in southern Utah and provide an important record of Late Cretaceous fossils, others like the Chinle and Morrison formations occur throughout the Colorado Plateau. The modified monument boundaries take into account this new information and, as described in more detail below, retain the majority of the high-potential areas for locating new fossil resources that have been identified within the area reserved by Proclamation 6920.

Proclamation 6920 also identifies a number of unique geological formations and landscape features within the monument boundaries. These include the Grand Staircase, White Cliffs, Vermilion Cliffs, Kaiparowits Plateau, Upper Paria Canyon System, Upper Escalante Canyons, Burning Hills, Circle Cliffs, East Kaibab Monocline, Grosvenor Arch, and Escalante Natural Bridge, all of which are retained in whole or part within the revised monument boundaries. The Waterpocket Fold, however, is located mostly within the Capitol Reef National Park and the portions within the monument are not unique or particularly scientifically significant. Therefore, the boundaries of the monument may be modified to exclude the Waterpocket Fold without imperiling the proper care and management of that formation. The more general landscape features discussed in the proclamation, such as serpentine

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canyons, arches, and natural bridges, are common across the Colorado Plateau both within and outside of the modified boundaries of the monument described below.

Archeological and historic objects identified within the monument are more generally discussed in Proclamation 6920, which specifically identifies only the Hole-in-the-Rock Trail, the Paria Townsite, and Dance Hall Rock as objects of historic or scientific interest, all 3 of which will remain within the revised monument boundaries, although a portion of the Hole-in-the-Rock Trail will be excluded. Proclamation 6920 also describes Fremont and Ancestral Puebloan rock art panels, occupation sites, campsites, and granaries, as well as historic objects such as those left behind by Mormon pioneers, including trails, inscriptions, ghost towns, rock houses, and cowboy line camps. These are artifacts that are known to generally occur across the Four Corners region, particularly in southern Utah, and the examples found within the monument are not, as described, of any unique or distinctive scientific or historic significance. In light of the prevalence of similar objects throughout the region, the existing boundaries of the monument are not “the smallest area compatible with the proper care” of these objects, and they may be excluded from the monument’s boundaries. Further, many of these objects or examples of these objects are retained within the modified boundaries described below.

Finally, with respect to the animal and plant species, Proclamation 6920 characterizes the area as one of the richest floristic regions in the Intermountain West, but it identifies only a few specific species as objects of scientific or historic interest. The revised boundaries contain the majority of habitat types originally protected by Proclamation 6920.

Thus, many of the objects identified by Proclamation 6920 are not unique to the monument, and some of the particular examples of those objects within the monument are not of significant historic or scientific interest. Moreover, many of the objects identified by Proclamation 6920 are not under threat of damage or destruction such that they require a reservation of land to protect them; in fact, many are already subject to Federal protection under existing law and agency management designations. The BLM manages nearly 900,000 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is already required by law to manage so as not to impair the suitability of such areas for future congressional designation as Wilderness.

A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm, National Historic Preservation Act, 54 U.S.C. 300101 *et seq.*, Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d, Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.*, Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 *et seq.*, Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.*, Migratory Bird Treaty Act, 16 U.S.C. 703–712, Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C. 3001 *et seq.*, and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa–470aaa–11. Of particular note, the Paleontological Resources Preservation Act, enacted in 2009, imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of paleontological resources. Federal land management agencies can grant permits authorizing excavation or removal, but only when undertaken for the purpose of furthering paleontological knowledge. The Archaeological Resources Protection Act contains very similar provisions protecting archeological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats.

Especially in light of the research conducted since designation, I find that the current boundaries of the Grand Staircase-Escalante National Monument established by Proclamation 6920 are greater than the smallest area compatible with the protection of the objects for which lands were reserved and, therefore, that the boundaries of the monument should be reduced to 3 areas: Grand Staircase, Kaiparowits, and Escalante Canyons. These revisions will ensure that the monument is no larger than necessary for the proper care and management of the objects.

The Grand Staircase area is named for one of the iconic landscapes in the American West. An unbroken sequence of cliffs and plateaus, considered to be the most colorful exposed geologic section in the world, has inspired wonder in visitors since the days of early western explorers.

The White Cliffs that rise more than 1,500 feet from the desert floor are the hardened remains of the largest sand sea that ever existed. The deep red Vermilion Cliffs, once the eastern shore of the ancient Lake Dixie, contain a rich fossil record from the Late Triassic period to the early Jurassic period, including petrified wood, fish, dinosaur, and other reptilian bones. Fossil footprints are also common, including those at the Flag Point tracksite, which includes dinosaur fossil tracks adjacent to a Native American rock art panel depicting dinosaur tracks. This area also contains a number of relict vegetative communities occurring on isolated mesa tops, an example of which, No Mans Mesa, was identified in Proclamation 6920.

The archaeology of the Grand Staircase area is dominated by sites constructed by the Virgin Branch of the Ancestral Puebloans—ancient horticulturalists and farmers who subsisted largely on corn, beans, and squash, and occupied the area from nearly 2000 B.C.E. to about 1250 C.E. The landscape was also the home of some of the earliest corn-related agriculture in the Southwest, and it continues to hold remnants of these early farmsteads and small pueblos. The evidence of this history, including remnants of the beginning of agriculture, development of prehistoric farming systems, and the final abandonment of the area, is concentrated in the lower levels of the Grand Staircase. The higher cliffs, benches, and plateaus hold evidence of occupation by Archaic and Late Prehistoric people, including Clovis and other projectile points and residential pit structures that indicate occupation by hunter-gatherers starting about 13,000 years ago.

Following the abandonment of the area by Ancestral Puebloans, the area was re-occupied by a new population of hunter-gatherers, the people known today as the Southern Paiute Indians. The Southern Paiute Indians identify this area as part of their ancestral homeland. Still later Mormon pioneers settled the area, as evidenced by remnants of roads, trails, line shacks, rock houses, and abandoned town sites.

The Kaiparowits area is dominated by a dissected mesa that rises thousands of feet above the surrounding terrain. These vast, rugged badlands are characterized by towering cliffs and escarpments that expose tiers of fossil-rich formations.

In addition to striking scenery, the area is world-renowned for rich fossil resources, including 16 species that have been found nowhere else. The plateau is considered one of the best, most continuous records of Late Cretaceous life in the world. It includes fossils of mollusks, reptiles, dinosaurs, fishes, and mammals, as well as the only evidence in our hemisphere of terrestrial vertebrate fauna from the Cenomanian through Santonian ages. Since 2000, nearly 4,000 new fossil sites have been documented on the plateau. The Dakota, Tropic Shale, Wahweap, and Kaiparowits formations in the area have been found to contain numerous important fossils, including those of early mammals and reptiles (Dakota); marine reptiles, including 5 species of plesiosaur and North America's oldest mosasaur (Tropic Shale); and multiple new species of dinosaurs (Wahweap and Kaiparowits), including the *Diabloceratops eatoni*, a relative of the Triceratops named for its devil-like horns, and the *Lythronax argestes*, whose name means “Gore King of the Southwest.”

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The Kaiparowits area also includes objects of geologic interest, which Proclamation 6920 identified. The rugged canyons and natural arches of the Upper Paria River expose the colorful and varied Carmel and Entrada formations that draw visitors to the area. One of the most famous arches, Grosvenor Arch, is a rare double arch that towers more than 150 feet above the desert floor. The area also contains “hydrothermal-collapse” pipes and dikes that have revealed to researchers a fascinating story of a geologic catastrophe triggered by either a massive earthquake or an asteroid impact.

The western side of the Kaiparowits area includes the majority of the East Kaibab Monocline, which features an erosional “hogback” known as the “Cockscomb,” as well as broad exposures of multicolored rocks and intricate canyons. It is considered one of the true scenic and geologic wonders of the area. On the east side of the plateau, the scorched earth of the Burning Hills is a geologic curiosity: a vast underground coal seam that some researchers believe has been burning for eons, sending acrid smoke up through vents in the ground and turning the hillsides brick red. Finally, along the eastern edge of the Kaiparowits Plateau is a series of oddly shaped arches and other rock formations known as the Devil’s Garden.

The Kaiparowits area also contains a unique record of human history. The overall archaeology of the Kaiparowits Plateau is dominated by Archaic and Late Prehistoric era sites. There are, however, a few important sites that tell the story of occupation first by the Fremont, who came from an area to the east, and later by Virgin and Kayenta Ancestral Puebloans. These sites show new types of architecture and pottery that mixed traditional Fremont and Ancestral Puebloan styles. Prehistoric cliff structures in parts of the Kaiparowits Plateau are well preserved and provide researchers and visitors an opportunity to better understand the apparently peaceful mixture of 3 cultures starting in the early 1100s. In particular, the Fifty-Mile Mountain area contains hundreds of cultural resource sites, including Ancestral Puebloan habitations, granaries, and masonry structures.

Historical use of the Kaiparowits area plays a very important part in the rich ranching history of southern Utah, which is evidenced by a complex pattern of roads, stock trails, line shacks, attempted farmsteads, and small mining operations. Fifty-Mile Mountain, in particular, contains a number of historic cabins, as well as other evidence of pioneer living, including ruins, rip-gut fences, and historic trails. It is believed that Zane Grey used the Fifty-Mile Mountain area as a landscape reference point when he wrote “Wild Horse Mesa.” There are also a number of historic signature panels across the plateau that document continued grazing and ranching use of the landscape by multiple generations of the same families.

To the east of Fifty-Mile Mountain in the Escalante Desert, Dance Hall Rock stands out as an important landmark of Mormon pioneers. While the Hole-in-the-Rock Trail was under construction in 1879, Mormon pioneers camped in this area and held meetings and dances here. Similarly, as described above, the old Paria Townsite is an important ghost town within the Kaiparowits area, as it served as the only town and post office site within the area at the turn of the 20th century.

The Escalante Canyons area likewise contains objects of significance. The canyonlands of the area provide a fantastic display of geologic activities and erosional forces that, over millions of years, created a network of deep, narrow canyons, high plateaus, sheer cliffs, and beautiful sandstone arches and natural bridges, including the 130-foot-tall Escalante Natural Bridge. Additionally, this area boasts Calf Creek Canyon, a canyon of red alcoved walls with expanses of white slickrock that is named for its use as a natural cattle pen at the end of the 19th century.

To the east of the Canyonlands, Circle Cliffs is a breached anticline with spectacular painted-desert scenery, the result of exposed sedimentary rocks of the Triassic Chinle and Moenkopi formations. The Circle Cliffs area also contains large, unbroken petrified logs up to 30 feet in length. A

nearly complete articulated skeleton of Poposaurus—a rare bipedal crocodilian fossil—was also found here.

The Escalante Canyons area also contains a high density of Fremont prehistoric sites, including pithouses, villages, storage cysts, and rock art. The canyon of the Escalante River and its tributary canyons contain one of the highest densities of rock art sites in southwestern Utah outside of Capitol Reef National Park, with sites dating from the Archaic to the Historic periods. The Hundred Hands rock art panel is located in the river canyon, and is spiritually significant to all tribes that claim ancestry in the area.

There are also significant historic sites in this area related to grazing and ranching, along with the Boulder Mail Trail, which was used to ferry mail between the small desert outpost towns of Escalante and Boulder beginning in 1902. Today, much of the trail is still visible, and it has become popular with backpackers.

The areas described above are the smallest compatible with the proper care and management of the objects to be protected. The Grand Staircase-Escalante National Monument, as modified by this proclamation, will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 6920 of September 18, 1996, established the Grand Staircase-Escalante National Monument in the State of Utah and reserved approximately 1.7 million acres of Federal lands for the care and management of the objects of historic and scientific interest identified therein; and

WHEREAS, many of the objects identified by Proclamation 6920 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundary of the monument to exclude from its designation and reservation approximately 861,974 acres of land that I find are no longer necessary for the proper care and management of the objects to be protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest, as described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundary of the Grand Staircase-Escalante National Monument is hereby modified and reduced to those lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Grand Staircase, Kaiparowits, and Escalante Canyons units of the monument. These reserved Federal lands and interests in lands cumulatively encompass approximately 1,003,863 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

Any lands reserved by Proclamation 6920 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public lands excluded from the monument reservation shall be open to:

- (1) entry, location, selection, sale or other disposition under the public land laws;
- (2) disposition under all laws relating to mineral and geothermal leasing; and
- (3) location, entry, and patent under the mining laws.

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Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 6920.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 6920 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 5 paragraphs:

Paragraph 14 of Proclamation 6920 is updated and clarified to require that the Secretary of the Interior (Secretary) prepare and maintain a management plan for each of the 3 units of the monument with maximum public involvement including, but not limited to, consultation with federally recognized tribes and State and local governments. The Secretary, through the BLM, shall also consult with other Federal land management agencies in the local area in developing the management plans.

Proclamation 6920 is amended to provide that the Secretary shall maintain one or more advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the above-described management plans, and, as appropriate, management of the monument. Any advisory committee maintained shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

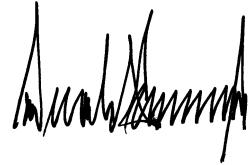
Proclamation 6920 is clarified to provide that, consistent with protection of the objects identified above and other applicable law, the Secretary may allow motorized and non-mechanized vehicle use on roads and trails existing immediately before the issuance of Proclamation 6920 and maintain roads and trails for such use.

Paragraph 12 of Proclamation 6920 governing livestock grazing in the monument is hereby modified to read as follows: "Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation."

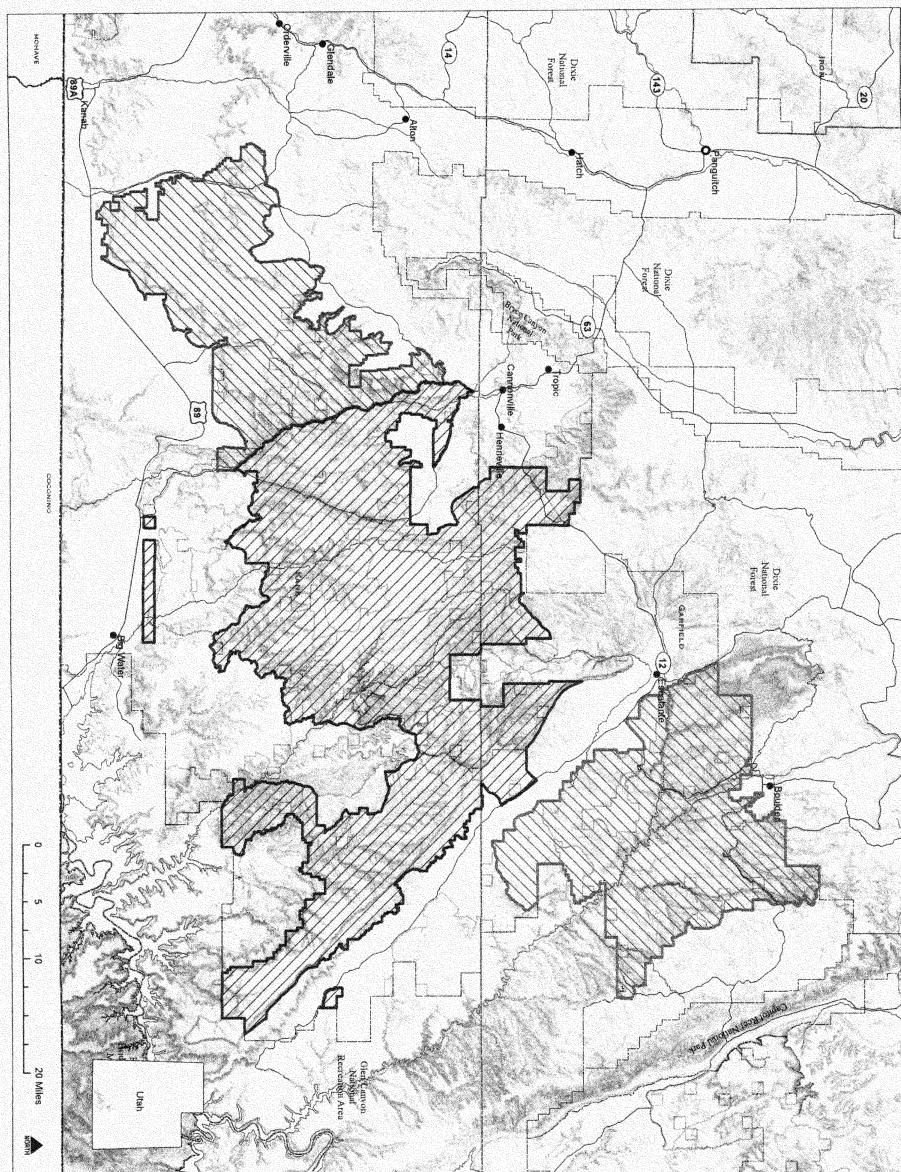
Proclamation 6920 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretary may authorize ecological restoration and active vegetation management activities in the monument.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

A handwritten signature in black ink, appearing to be a stylized form of the name "Donald J. Trump".

Billing code 3295-F8-P



**Grand Staircase-Escalante National Monument  
Modification**

- [Symbol] Escalante Canyons Unit
- [Symbol] Grand Staircase Unit
- [Symbol] Kaparowits Unit
- [Symbol] BLM Wilderness Study Area
- [Symbol] Bureau of Land Management
- [Symbol] Indian Reservation
- [Symbol] National Park Service
- [Symbol] Private Land
- [Symbol] State Parks and Recreation
- [Symbol] State Land
- [Symbol] State Wildlife Management Area
- [Symbol] US Forest Service
- [Symbol] US Forest Service Wilderness Area

[FR Doc. 2017-26714]

Filed 12-7-17; 11:15 am]

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Federal Register  
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Friday, December 8, 2017

## Presidential Documents

Title 3

**Proclamation 9681 of December 4, 2017**

The President

**Modifying the Bears Ears National Monument**

**By the President of the United States of America**

### A Proclamation

In Proclamation 9558 of December 28, 2016, and exercising his authority under section 320301 of title 54, United States Code (the “Antiquities Act”), President Barack Obama established the Bears Ears National Monument in the State of Utah, reserving approximately 1.35 million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed jointly by the Department of the Interior’s Bureau of Land Management (BLM) and the Department of Agriculture’s United States Forest Service (USFS). This proclamation makes certain modifications to the monument.

Proclamation 9558 identifies a long list of objects of historic or scientific interest. It describes cultural resources such as ancient cliff dwellings (including the Moon House and Doll House Ruins), Moki Steps, Native American ceremonial sites, tools and projectile points, remains of single-family dwellings, granaries, kivas, towers, large villages, rock shelters, caves, and a prehistoric road system, as well as petroglyphs, pictographs, and recent rock art left by the Ute, Navajo, and Paiute peoples. It also identifies other types of historic objects, such as remnants of Native American sheep-herding and farming operations and early engineering by pioneers and settlers, including smoothed sections of rock, dugways, historic cabins, corrals, trails, and inscriptions carved into rock, and the Hole-in-the-Rock and Outlaw Trails. It also describes landscape features such as the Bears Ears, Comb Ridge, Cedar Mesa, the Valley of the Gods, the Abajo Mountains, and the San Juan River, and paleontological resources such as the fossil remains of fishes, amphibians, reptiles, and mammals, as well as dinosaur trackways and traces of other terrestrial animals. Finally, it identifies several species, including animals like the porcupine, badger, and coyote; birds like the red-tailed hawk, Mexican spotted owl, American kestrel, and turkey vulture; and plants such as the Fremont cottonwood, Abajo daisy, western sandbar willow, and boxelder.

The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.

Some of the objects Proclamation 9558 identifies are not unique to the monument, and some of the particular examples of these objects within the monument are not of significant scientific or historic interest. Moreover, many of the objects Proclamation 9558 identifies were not under threat of damage or destruction before designation such that they required a reservation of land to protect them. In fact, objects described in Proclamation 9558 were then—and still are—subject to Federal protections under existing laws and agency management designations. For example, more than 500,000 acres were already being managed to maintain, enhance, or protect their roadless character before they were designated as part of a national monument. Specifically, the BLM manages approximately 380,759 acres of lands

within the existing monument as Wilderness Study Areas, which the BLM is required by law to manage so as not to impair their suitability for future congressional designation as Wilderness. On lands managed by the USFS, 46,348 acres are part of the congressionally designated Dark Canyon Wilderness Area, which, under the 1964 Wilderness Act, 16 U.S.C. 1131–1136, and the Utah Wilderness Act of 1984, Public Law 98–428, the USFS must manage so as to maintain or enhance its wilderness character. Approximately 89,396 acres of the USFS lands are also included in 8 inventoried roadless areas, which are managed under the USFS's 2001 Roadless Rule so as to protect their wilderness character.

A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM and USFS to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm, National Historic Preservation Act, 54 U.S.C. 300101 *et seq.*, Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d, Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.*, Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 *et seq.*, Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.*, Migratory Bird Treaty Act, 16 U.S.C. 703–712, National Forest Management Act, 16 U.S.C. 1600 *et seq.*, Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C. 3001 *et seq.*, and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa–470aaa–11. Of particular note, the Archaeological Resources Protection Act specifically protects archaeological resources from looting or other desecration and imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources. Federal land management agencies can grant a permit authorizing excavation or removal, but only when undertaken for the purpose of furthering archaeological knowledge. The Paleontological Resources Preservation Act contains very similar provisions protecting paleontological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats. Moreover, the BLM and the USFS were already addressing many of the threats to objects identified in Proclamation 9558 in their governing land-use plans before designation of the monument.

Given the nature of the objects identified on the lands reserved by Proclamation 9558, the lack of a threat of damage or destruction to many of those objects, and the protection for those objects already provided by existing law and governing land-use plans, I find that the area of Federal land reserved in the Bears Ears National Monument established by Proclamation 9558 is not confined to the smallest area compatible with the proper care and management of those objects. The important objects of scientific or historic interest can instead be protected by a smaller and more appropriate reservation of 2 areas: Shash Jáa and Indian Creek. Revising the boundaries of the monument to cover these 2 areas will ensure that, in accordance with the Antiquities Act, it is no larger than necessary for the proper care and management of the objects to be protected within the monument.

The Shash Jáa area contains the heart of the national monument: the iconic twin buttes known as the Bears Ears that tower 2,000 feet above the surrounding landscape and are considered sacred to the Native American tribes that call this area their ancestral home. Many of the significant objects described by Proclamation 9558 can be found throughout the Shash Jáa area. Ancestral Puebloan occupation of the area began during the Basketmaker II period at least 2,500 years ago, and it left behind objects such as pit houses, storage pits, lithic scatters, campsites, rock shelters, pictographs, and baskets, as well as manos and metates for grinding corn. Occupation dating to the Basketmaker III period, from approximately 500 to 750 C.E., left additional evidence of maize- and bean-based agriculture, along with pottery, bows and arrows, pit houses, kivas, storage rooms, and dispersed villages.

New waves of human settlement occurred around 900 C.E., when the Pueblo I period gave rise to large villages near Comb Wash, and 1050 C.E., when inhabitants from the Pueblo II period built expansive and complex multi-family dwellings. Around 1150 C.E., the dawn of the Pueblo III period, the area's inhabitants increasingly sought shelter in cliff dwellings and left behind evidence of an era of unrest. Several centuries later, the Ute, Paiute, and Navajo came to occupy the area.

East of the Bears Ears is Arch Canyon, within which paleontologists have found numerous fossils from the Permian and Upper Permian eras. Cliff dwellings are hidden throughout the canyon, and the mouth of the canyon holds the fabled Arch Canyon ruin, which spans the Pueblo II and III periods and contains pictographs and petroglyphs ranging from the Archaic to the historic periods.

Just south of Arch Canyon are the north and south forks of Mule Canyon. Five-hundred feet deep, 5 miles long, and decorated with alternating layers of red and white sandstone, these 2 striking canyons contain shelter-cliff dwellings and other archaeological sites, including the scenic and accessible House on Fire Ruin, which includes differing masonry styles that indicate several episodes of construction and use.

Perched high on the open tablelands above the south fork of Mule Canyon are the Mule Canyon ruins, where visitors can see exposed masonry walls of ancient living quarters and a partially restored kiva. The deep canyons and towering mesas of the Shash Jáa area are full of similar sites, including rock art, remains of single-family dwellings, granaries, kivas, towers (including the Cave Towers), and large villages primarily from the Pueblo II and III periods, along with sites from the Basketmaker and Archaic periods.

The Shash Jáa area also includes Comb Ridge, a north-south trending monocline that originates near the boundary of the Manti-La Sal National Forest, ends near the San Juan River, and contains remnants from the region's thousands of years of human habitation, including cliff dwellings, granaries, kivas, ceremonial sites, and the Butler Wash ruin, a world-famous Ancestral Puebloan ruin with multiple rooms and kivas. Comb Ridge also includes world-class examples of ancient rock art, such as the Butler Wash Kachina Panel, a wall-sized mural of San Juan Anthropomorph figures that dates to the Basketmaker period and is considered to be one of the Southwest's most important petroglyph panels for understanding the daily life and rituals of the Basketmaker people. Significant fossil sites have also been discovered in Butler Wash.

Just north of upper Butler Wash, the aspen-filled Whiskers Draw contains a series of alcoves that have sheltered evidence of human habitation for thousands of years, including Cave 7, the site where Richard Wetherill, as part of the Hyde Expedition in 1893, first identified what we know today as the Basketmaker people. The nearby Milk Ranch Point is home to a rich concentration of kivas, granaries, dwellings, and other evidence that Pueblo I farmers used this area to cultivate corn, beans, and squash.

The Shash Jáa area also contains the Comb Ridge Fossil site, which includes a trackway created by a giant arthropod (*Diplichnites cuithensis*), the first recorded instance of such a trackway in Utah. Also, the diverse landscape of the Shash Jáa area provides habitat for the vast majority of plant and animal species described by Proclamation 9558.

Finally, the Shash Jáa area as described on the accompanying map includes 2 non-contiguous parcels of land that encompass the Moon House Ruin, an example of iconic Pueblo-decorated architecture, which was likely the last occupied site on Cedar Mesa, as well as Doll House Ruin, a fully intact and well-preserved single room granary that is associated with an extensive agricultural area on the mesa top. These significant ruins are important examples of cultural resource objects that should remain within the monument's boundaries.

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The Indian Creek area likewise contains objects of significance described in Proclamation 9558. At its center is the broad Indian Creek Canyon, which is characterized by sheer red cliffs and spires of exposed and eroded layers of Navajo, Kayenta, Wingate, and Cedar Mesa sandstone, including the iconic North and South Six-Shooter Peaks.

Also located within the Indian Creek area is the Canyonlands Research Center. Spanning lands managed by the National Park Service, BLM, USFS, and private landowners, this unique partnership works to increase our understanding of the complex natural systems on the landscape, providing their custodians with information they need to adapt to the challenges of a changing Colorado Plateau.

Newspaper Rock, a popular attraction in the Indian Creek area, is a roadside rock art panel that has been listed on the National Register of Historic Places since 1976. This site displays a significant concentration of rock art from multiple periods, etched into Wingate sandstone. The older art is attributed to the Ancestral Puebloan people who inhabited this region for 2,000 years, while the more recent rock art is attributed to the Ute people who still live in the Four Corners area.

In addition to Newspaper Rock, the Indian Creek area contains numerous other significant rock art sites, including the distinctive and well-preserved petroglyphs in Shay Canyon. The area also provides opportunities for cultural and scientific research and paleontological study. Dinosaur tracks in the bottom of the Shay Canyon stream bed are a unique visual reminder of the area's distant past. Additional paleontological resources can be found throughout the Indian Creek area, including vertebrate and invertebrate fossils, primarily in the Chinle Formation. The Indian Creek area also includes 2 prominent mesas, Bridger Jack Mesa and Lavender Mesa, which are home to relict plant communities, predominantly composed of pinyon-juniper woodland, with small, interspersed sagebrush parks, that exist only on these isolated islands in the desert sea and are, generally, unaltered by humans. These mesas provide the opportunity for comparative studies of pinyon-juniper woodland and sagebrush communities in other parts of the Colorado Plateau. Additionally, the Indian Creek area includes the exposed Chinle Formation, known for abundant fossilized flora and fauna, including pelecypods, gastropods, arthropods, fishes, amphibians, and reptiles (including dinosaurs). Finally, the area is well known for vertebrate trackways, including tetrapod footprints.

Some of the existing monument's objects, or certain examples of those objects, are not within the monument's revised boundaries because they are adequately protected by existing law, designation, agency policy, or governing land-use plans. For example, although the modified boundaries do not include the San Juan River or the Valley of the Gods, both of those areas are protected by existing administratively designated Areas of Critical Environmental Concern. Plant and animal species such as the bighorn sheep, the Kachina daisy, the Utah night lizard, and the *Eucosma navajoensis* moth are protected by the Endangered Species Act and existing land-use plans and policies protecting special-status species. Additionally, some of the range of these species falls within existing Wilderness Areas and Wilderness Study Areas. Finally, although Hideout Canyon is likewise not included within the modified boundaries, it is generally not threatened and is partially within a Wilderness Study Area.

The areas described above are the smallest compatible with the protection of the important objects identified in Proclamation 9558. The modification of the Bears Ears National Monument will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 9558 of December 28, 2016, designated the Bears Ears National Monument in the State of Utah and reserved approximately 1.35 million acres of Federal lands for the care and management of the Bears Ears buttes and other objects of historic and scientific interest identified therein; and

WHEREAS, many of the objects identified by Proclamation 9558 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundaries of the monument to exclude from its designation and reservation approximately 1,150,860 acres of land that I find are unnecessary for the care and management of the objects to be protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest as described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundaries of the Bears Ears National Monument are hereby modified and reduced to those lands and interests in land owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Indian Creek and Shash Jáa units of the monument, the latter of which shall include the Moon House and Doll House Ruins. These reserved Federal lands and interests in lands cumulatively encompass approximately 201,876 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected. Any lands reserved by Proclamation 9558 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public and National Forest System lands excluded from the monument reservation shall be open to:

(1) entry, location, selection, sale, or other disposition under the public land laws and laws applicable to the U.S. Forest Service;

(2) disposition under all laws relating to mineral and geothermal leasing; and

(3) location, entry, and patent under the mining laws.

Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to remove any lands from the Manti-La Sal National Forest or to otherwise revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 9558.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 9558 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 4 paragraphs:

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, Proclamation 9558 established a Commission to provide guidance and recommendations on the development and implementation of management plans and on management of the monument, and to partner with Federal agencies by making continuing contributions to inform decisions regarding the management of the monument. In order to

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ensure that the full range of tribal expertise and traditional historical knowledge is included in such guidance and recommendations, paragraph 29 of Proclamation 9558 is hereby revised to provide that the Bears Ears Commission shall be known as the Shash Jáa Commission, shall apply only to the Shash Jáa unit as described herein, and shall also include the elected officer of the San Juan County Commission representing District 3 acting in that officer's official capacity.

Proclamation 9558 is hereby revised to clarify that, pending preparation of the transportation plan required by paragraph 34 thereof, the Secretaries of the Interior and Agriculture may allow motorized and non-mechanized vehicle use on roads and trails designated for such use immediately before the issuance of Proclamation 9558 and maintain roads and trails for such use.

Paragraph 35 of Proclamation 9558 governing livestock grazing in the monument is hereby revised to read as follows: "Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation."

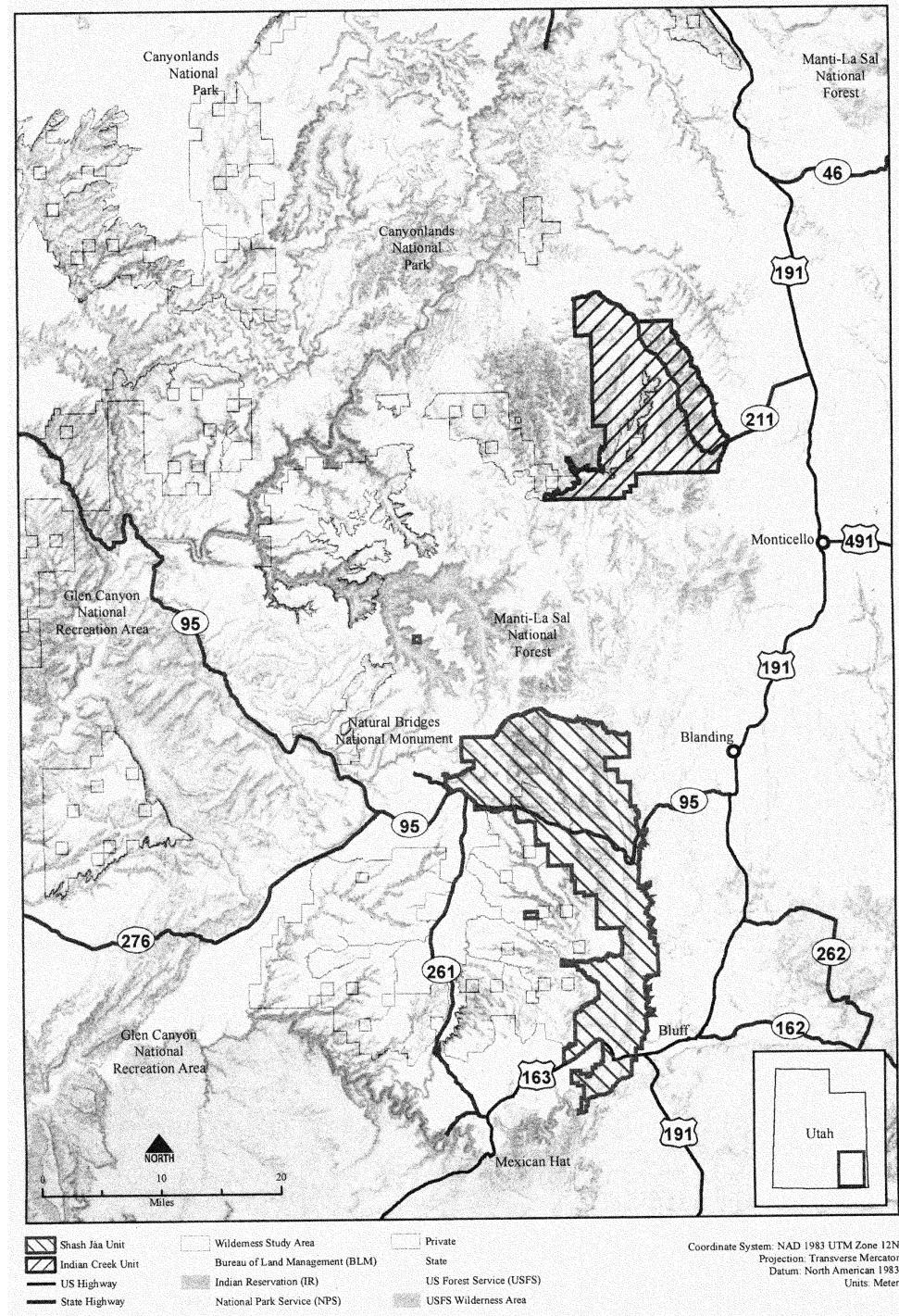
Proclamation 9558 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretaries of the Interior and Agriculture may authorize ecological restoration and active vegetation management activities in the monument.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

A handwritten signature in black ink, appearing to be a stylized form of the name "D. J. Wilkinson".

## Bears Ears National Monument Boundary Modification



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Filed 12-7-17; 11:15 am]

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